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November 21, 2013

**VIA HAND DELIVERY**

The Honorable Laura Taylor Swain  
United States District Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: X Legacy, LLC v. Third World Press Inc., 13 Civ. 7984 (LTS)

Dear Judge Swain:

Enclosed, for the Court's consideration, is the Declaration of my colleague, L. Londell McMillan, setting forth the actions taken to date by our client, Plaintiff X Legacy, LLC ("X Legacy"), in order to prevent the publication and dissemination of "The Diary of Malcolm X" (the "Infringing Work") by Defendant Third World Press Inc. ("TWP"). Those actions included obtaining the temporary restraint granted by this Court on November 8, 2013. The facts set forth in Mr. McMillan's Declaration reflect the extent to which X Legacy's rights in the Infringing Work have been disregarded by TWP to date.

As is made clear in the Declaration, not only did TWP ignore X Legacy's attempts to discuss the matter prior to seeking this Court's assistance, but following the issuance of this Court's November 8, 2013 Temporary Restraining Order, TWP proceeded to promote, publish, offer for sale and sell the Infringing Work, and has, to date, taken no steps to prevent the sale of the Infringing Work by third parties to whom it supplied the Infringing Work. It was only through the efforts of X Legacy that the Infringing Work was removed from the websites of Barnesandnoble.com and amazon.com. Further, X Legacy has no way of knowing how many other major retailers—online and otherwise—continue to sell the Infringing Work.

X Legacy opposes any delay in the scheduled hearing at this late hour, as proposed in today's letter to the Court by Mr. Abady, who purports to be acting on behalf of TWP. As the materials submitted herewith make plain, TWP has repeatedly disregarded this Court's Order, and has never once asked for any such accommodation until now, immediately prior to a hearing of which it has been on notice since November 8. Any further proceedings should take place under

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the protection of the preliminary injunctive relief sought in this matter to protect the interests of X Legacy from any additional harm. Thank you for your attention to this matter.

Respectfully submitted,



Adam Oppenheim

cc: Jonathan S. Abady (via email)